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S E C R E T SECTION 01 OF 02 HILLAH 000069

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TAGS: [PGOV](#) [PREL](#) [PINR](#) [KDEM](#) [KISL](#) [IZ](#) [IR](#)  
SUBJECT: CLEVER TACTICS, FLAWED ETHICS IN HILLAH MAYOR ELECTION

REF: A) HILLAH 59 B) HILLAH 48 C) HILLAH 24 D) HILLAH 17

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CLASSIFIED BY: Charles F. Hunter, Babil PRT Leader, REO  
Al-Hillah, Department of State.  
REASON: 1.4 (b), (d)

11. (U) This is a PRT Babil Cable.

12. (C) SUMMARY: As anticipated in ref A, the Hillah District Council (DC) met on April 21 to choose a new mayor. The surprise winner by one vote - his own - was DC member Sabah Al-Fatlawi, after a campaign allegedly marred by bribery and other improprieties. Appeals are under consideration but face uncertain prospects because of the strength of the Sayyid Rasool faction backing Al-Fatlawi. The PRT is engaging the DC on questions concerning the election's legitimacy. END SUMMARY.

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THE GOVERNOR'S OPENING GAMBIT  
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13. (S) Babil Governor Salim Saleh Mehdi Al-Muslimawi ordered Hillah Mayor Imad Lefta Merdan Al-Bayati suspended on February 4 in an apparent effort to install a loyalist in an important position in Babil province (ref D). Al-Muslimawi chose as acting mayor the longest-serving sub-district manager within the Hillah district, Aqeel Abdel Mehdi Al-Silawi of Abu Gharaq. Al-Silawi, nominally independent but a SCIRI sympathizer, enjoys a good working relationship with both the governor and the deputy governor, Hassoon Ali Hassoon Al-Fatlawi, himself a former Abu Gharaq sub-district manager. According to Babil DC Legal Committee chair Hussein Hadi Al-Tufaili (strictly protect), however, the governor's plan was to use Al-Silawi merely as a placeholder until Mayor Imad could be ousted by a DC vote. At that point Ali Al-Qasir, the governor's closest ally in the Babil Provincial Council (PC), would run for the mayor's job and add another link to SCIRI's grip on power in Babil.

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THE MOMENTUM SHIFTS  
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14. (C) But calculations changed when Al-Qasir caused a car accident on March 1 in which he and two pedestrians were killed and three PC members injured. The governor, weakened by that loss at a time when the PC was reportedly considering removing him from office, soon got more bad news with Jaysh Al-Mahdi's most blatant challenges to security forces in Al-Hillah since 12004. He thereupon decamped to Iran (ref B) for nearly two weeks. This absence, and a subsequent trip to Suleimaniyah, ceded the advantage to his rivals who capitalized on it brilliantly.

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THE SAYYID RASOOL FACTOR  
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¶5. (S) A political grouping unique to Babil is a faction within both the PC and the Hillah DC loyal to Sayyid Rasool, a Hillah-based cleric who formerly was the region's collector of tithes to Ayatollah Ali Al-Sistani. Claiming still to be very close to Al-Sistani and opposed to the emergence of the Al-Hakim family as temporal leaders, Sayyid Rasool has established himself as a formidable, albeit local, power center. His first demonstration of political savvy was in instigating a sit-in that toppled Governor Iskandar Witwit in early 2004. Sayyid Rasool has operated largely behind the scenes since then through followers such as the Babil PC chair, Mohammed Ali Al-Mas'oudi, and the heads of the PC's Projects and Energy Committees.

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THE VOTE  
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¶6. (S) Sensing an opening when the governor's Ali Al-Qasir plan was derailed, the Sayyid Rasool faction countered by putting forward one of their own, Sabah Al-Fatlawi, as a candidate for mayor. Al-Fatlawi chairs the DC's Energy Committee and is believed to have enriched himself by exploiting that position (ref C). Legal Committee chairman Al-Tufaili alleged to PRT on April 26 that Al-Fatlawi pursued votes with bribery, citing an offer the candidate made personally to him of an expensive new cellular phone. In a DC meeting before the vote, Al-Fatlawi also offered to give his councilman's salary to one member currently being paid by donations from all the others. (NOTE: The DC has 21 members but receives funding for only 20, so the paid members contribute a fraction of their income to ensure that everyone gets the same amount. END NOTE.) Apparently his largesse worked: though Al-Tufaili had confidently predicted to PRT on April 19 that acting mayor Al-Silawi was a shoo-in, Al-Fatlawi pulled off an 11-10 victory two days later with his

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own vote proving the deciding one.

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ON THE UP AND UP?  
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¶7. (C) Al-Tufaili cited the following to PRT as grounds for having the vote declared null and void:

-- An unfair advantage to Al-Fatlawi in being the only candidate serving on the DC and therefore able to vote for himself. According to Al-Tufaili, any DC member wanting to run for mayor should resign from the council at least a week before the actual vote. (NOTE: This view appears to be his own rather than one based on council regulations. END NOTE.)

-- A vote cast by a substitute member of the council whose status had never been properly ratified; that person, Abdel Jalil Kadhum Al-Kreidi, launched an ad hominem attack on acting mayor Al-Silawi during the session in which each candidate was allowed 15 minutes to speak to the council.

-- A vote cast by a member (Salim Al-Sulaikhi) who had been removed from the PC on charges of forging educational credentials and should therefore be ineligible for service on the DC.

¶8. (C) Al-Tufaili said that the DC had declined to entertain his challenge to Al-Fatlawi's election, but that Aqeel Al-Silawi was also pursuing an appeal. One of the defeated mayoral candidates, Dhahir Habib Al-A'raji, is also a PC member and is trying to get that body to overturn the election by refusing to uphold the results when the DC asks for confirmation. However the head of the PC Legal Committee, Maqboula Jawad, is in the Sayyid Rasool camp and may try with other followers to stymie

that effort. A PRT contact overheard her and the Legal Committee's other member, Sadrism affiliate Murtada Kamel, defending the vote in a meeting in Al-A'raji's office on April 24, saying that rejecting the results would lead to a "crisis" in Al-Hillah (NFI).

¶9. (C) Al-Tufaili also criticized legal shortcomings in the removal of Mayor Imad Lefta Al-Bayati from office, including the fact that the investigative committee's findings were never made public and the accused did not have an opportunity to defend himself before the DC prior to their final vote against him. The conflict-averse Al-Bayati appears uninterested in going to court to regain his position. Complaining bitterly of being "abandoned" by the Americans - when he largely sealed his own fate by meekly taking a month's vacation rather than following the PRT's advice and immediately challenging the suspension - he remains interested in U.S. help to have his military rank restored or find employment with a ministry in Baghdad (ref A).

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COMMENT  
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¶10. (C) Application of the rule of law has been suspect from the beginning of this episode, dating back to the governor's seeming overreach in suspending Mayor Imad Lefta in February. Under CPA 71, mayors are answerable to and appointed/removed by district councils. Because the DC engaged at that time and voted to uphold the suspension and the appointment of an investigative committee, however, USG intervention did not seem warranted beyond frank discussions with the governor and abstention from dealing with the acting mayor.

¶11. (C) COMMENT, CONTINUED: Now, given allegations of fraud, dubious due process in Al-Bayati's dismissal and questions about who took part in the voting to replace him, rule of law equities need to be taken up at the source. PRT is seeking an opportunity to meet with the Babil District Council, in the context of capacity building and probably at the council's normal training venue, to explain these concerns. Though an unlikely outcome, redoing the election could ultimately have the ironic and unintended consequence of snatching from the jaws of defeat the governor's plan for furthering SCIRI entrenchment. Such are the dilemmas of democracy building in Iraq. END  
COMMENT.  
HUNTER